



VETERINARY BOARD OF GOVERNORS MINUTES OF MEETING MARCH 5, 2007

A meeting of the Washington State Veterinary Board of Governors was called to order at 9:00 AM on Monday, March 5, 2007, by Willard Nelson, DVM, Chair. The meeting was held in Conference Room Two, at the Department of Health, Center Point Corporate Park, 20435 72nd Avenue South, Kent, Washington, 98032.

BOARD MEMBERS PRESENT:

Willard Nelson, DVM, Chair
Linda Crider, DVM
William Keatts, DVM
Camilo de Guzman, DVM
Holly Bard, Public Member (telephonically)

STAFF PRESENT:

Melissa Burke-Cain, Assistant Attorney General
Lisa Salmi, Acting Executive Director
Judy Haenke, Program Manager
Karli Bourne, Program Representative

OTHERS PRESENT:

Candace Joy, Washington State Veterinary Medical Association
Deb Cofer, Washington State Veterinary Technician Association

ORDER OF AGENDA

OPEN SESSION: 9:00 AM

Call to Order – Willard Nelson, DVM, Chair

1. **Approval of Agenda**
The agenda was approved as written.
2. **Approval of minutes for December 11, 2006.**
The minutes were approved as written

REPORTS:

3. Willard Nelson, DVM, Chair

Dr. Nelson expressed his appreciation that Dr. Linda Crider has graciously stayed on the Board serving for an extended length of time. Dr. Nelson presented a plaque in appreciation of her dedication and service.

Dr. Harmon Rogers has been appointed to the Veterinary Board of Governors.

Judy Haenke and Dr. Nelson attended the WSVMA meeting on January 18, 2007. Attendance at this meeting was beneficial and informative. It was suggested that the Board consider financing travel for regular attendance at WSVMA meetings.

No further updates from the PAVE committee. The numbers of states that accept PAVE program has continued to increase.

4. Lisa Salmi, Acting Executive Director

The performance audit is ongoing at the Department of Health. Auditors are to submit the final report in July.

The Department anticipates going to E-licensing completely by January 2008.

HSQA organizational restructure of the Department of Health:
Judy Haenke and Lisa Salmi are on two different committees assisting with the Department's organizational restructure.

On May 14, 2007, there will be a Board and Commission Leadership Meeting hosted by the Department. This meeting is limited to Board and Commission Chairs. Dr. Nelson was invited to attend.

On September 27-28 is the annual Board/Commission/Committee Forum at the Renton Holiday Inn.

October 31 – November 2 the Citizen Advocacy Center Organization is holding its annual meeting at the Edgewater Hotel in Seattle.

The Department has begun recruitment for the Executive Director position. The recruitment is nationwide and will conclude at the end of April. The Department is hoping to have the position filled by June 2007.

5. Judy Haenke, Program Manager

The Board discussed revenue and expenditures for the month ending January 2007.

9:30 AM DISCUSSION:

7. Legislation. Information

HB 1103 –This bill raised concern because it will shift investigative and charging decisions from the Board to the Secretary of the Department of Health.

The Board agreed that it would respond by drafting a letter to be sent to Secretary Mary Selecky regarding transfer of expertise from the Board to the Secretary's office. Concerns were raised over the cost of implementation, and the probability of the cost being passed on to practitioners in the form of increased licensing fees.

A motion was made by Dr. Nelson to draft a letter opposing HB 1103. The letter would include the following concerns discussed by the Board:

- Secretary's office lacking veterinary expertise having authority to make decisions regarding investigations
- The public is not well served when cases are not reviewed by practitioners
- Increased cost to administer the program could result in fee increases.

10:00 AM RULES HEARING

6. Proposed Rule making WSR 07-03-151. Action

Proposal adopts new rules for delegation of authority to initiate investigations for veterinarians, veterinary technicians, and veterinary medication clerks.

Written testimony against these rules was submitted by Candace Joy, Executive Director of the WSVMA. Ms. Joy was present to testify against the new rules. The WSVMA would like to see only licensed veterinarians stipulated to provide final review and approval of the decision to investigate a practitioner.

After extended discussion, a poll was taken of each Board member's position on adopting the proposed Rules WAC 246-933-200, WAC 246-935-150, and WAC 246-937-120. A Motion was made by Dr. Keatts to not adopt the rules, and remain with the current investigative procedure which consists of a panel of three Board members who review and authorize investigations. The Motion was seconded by Dr. de Guzman. All members voted in favor of not adopting the rules as filed.

The hearing was adjourned at 11:10 AM.

Staff will file a formal withdrawal with the Office of the Code Reviser.

11:15 AM DISCUSSION

8. **Ownership and sale of practice. Information**

The Board discussed whether the family of a sole proprietor of a veterinary business may continue to keep the business open in the interim following the death of the owner and the sale of the business.

Melissa Burk-Cain, AAG, referred the Board to:

RCW 18.100.118 Eligibility of certain representatives and transferees to serve as directors, officers, or shareholders. Which states:

“If all of the outstanding shares of a professional corporation are held by an administrator, executor, guardian, conservator, or receiver of the estate of a former shareholder, or by a transferee who received such shares by operation of law or court decree, such administrator, executor, guardian, conservator, receiver, or transferee for a period of twelve months following receipt or transfer of such shares may be a director, officer, or shareholder of the professional corporation.”

Ms. Burk-Cain advised all veterinarians to seek legal advice on the best ownership structure for his/her own private practice.

9. **Board and Staff representation at Washington State Veterinary Medical Association Meetings. Action**

Dr. Nelson suggested that there be representation at the WSVMA meetings funded by the Board for interested Board members or staff. Attendance would be voluntary.

The cost of attendance to the WSVMA meetings in the future can be built into the budget at the next biennium if the Board approves. A motion was made and seconded that so long as budget allows for participation, the Board will send a representative.

10. **Correspondence**

The American Association of Veterinary State Boards (AAVSB) is conducting a planning workshop in April, and has requested input from the Board on the top three things the Washington Board of Veterinary Governors would like to see addressed at this workshop.

It was pointed out that the AAVSB is a good source for information on legal action taken in other states that is pertinent to Washington State. Veterinarians Across the country rely on items of interest across the country and on data collection generally.

Dr. Nelson will respond to the AAVSB request for Board input.

12:00 – 12:30 LUNCH

12:30 PM RULEMAKING. Information/action.

11.1 Education and examination requirements – Update.

Packet is moving forward in the Department of Health for preparation for hearing on June 11, 2007.

11.2 Patient abandonment and facilities and practice management.

The following changes were made to Rules:

WAC 246-933-060

- (1) delete “in the absence of an owner/agent”
- (2) **Abandonment of a patient.** This entire section becomes number (3) in the WAC
- (3) **Referral of owner/agent.** This section becomes number (2) in the WAC, with the following changes:
 - Title “Referral of owner/agent” will change to “**Termination of client/patient relationship.**”
 - Line one will read, “The veterinarian may decline continued care of a patient and refer to another qualified veterinarian provided the owner/agent is given sufficient notice and information to assure continuity of care.”
 - (a) will be entirely deleted
 - (b) will become (a), with the following verbiage: “The veterinarian who refers the care must assure that the patient record reflects the date and the nature of the referral.”

WAC 246-933-320

- (4) change to read, “**Lighting:** Proper and sufficient lighting shall be provided in all rooms utilized for the practice of veterinary medicine. Outside lighting shall be adequate to identify the building and provide visibility and safety.”

WAC 246-933-330

- (6) last sentence; change to: “Animals that are hospitalized for treatment of known or suspected contagious diseases shall be isolated to prevent the spread of contagious diseases.”

WAC 246-933-340

- (2) change to read, “**Library:** A library of appropriate veterinary references shall be readily available.”

- (5) (b) (iv) change to read, “Name, strength, quantity, and expiration date of the drug.”
(b) (v) change to read, “Name and address of prescribing veterinarian.”
- (c) change to read, “A record of all drugs administered or dispensed shall be kept in the patient’s record. In the case of companion animals this record shall be maintained by individual patient.”

11.3 Continuing education requirements – Update

The following changes were made to the Rule:

WAC 246-933-465

- (1) last sentence, change to read, “The report must be typewritten and include at least ten descriptive statements about the article.”
(1) (a) change to read, “Professional literature approved for these reports are peer reviewed veterinary medical journals.”

11.4 Animal health care tasks

Melissa Burk-Cain, AAG, will meet with the Pharmacy Board to discuss the administration of controlled substances by unlicensed personnel in the veterinary clinic/hospital. Storage of controlled substances within the clinic/hospital will also be discussed.

WAC 246-935-050

(c) Indirect supervision.

(xii) change to read, “Administration of controlled substances in a hospital setting.”

11.5 Recognition of Canadian Veterinary Medical Association Accredited veterinary technology programs. Update

Packet has moved forward for Department of Health review.

12. Other Open Session Business

Judy Haenke was asked by the Board to define the steps in Rule Making at the Department of Health.

- CR 101 – Preproposal statement of inquiry – informs that the Board is considering adopting a new rule or amending an existing one.
- CR 102 – Proposed Rule Making – includes finalized Rule and acceptance of hearing
- CR 103 – Board has approved Rule and adopted it; there are 30 days for the public to respond before Rule is enacted.

13. Open Forum 3:00 PM

Comments made on the need for clarity to ensure compliance with statutes and rules related to the administration of pre-prescribed controlled substances to patients, especially in boarding situations or remote clinics.

Adjournment 3:06 PM

Respectfully Submitted:

Karli Bourne, Program Assistant

Approved:

Willard Nelson, DMV, Chair